

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:11-00018

BRITTANY DIANN KING

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On August 5, 2014, the United States of America appeared by Joshua C. Hanks, Assistant United States Attorney, and the defendant, Brittany Diann King, appeared in person and by her counsel, Lex A. Coleman, for a hearing on the petition on supervised release held in abeyance by order entered on April 11, 2014, and the amendment thereto filed on July 8, 2014, both of which were submitted by United States Probation Officer Joseph Black. The defendant commenced a three-year term of supervised release in this action on December 5, 2012, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on July 11, 2011.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant failed to submit monthly reports for April, May, July, August, September, October, November and December, 2013, and January 2014; (2) the defendant used and possessed controlled substances without a prescription as evidenced by positive urine specimens submitted by her on July 15 and December 4, 2013, for oxycodone, the defendant having admitted her use to the probation officer for both positive urine tests, and a positive urine specimen submitted by her on July 2, 2014, for opiates; (3) the defendant failed to appear for schedule urinalyses as instructed on July 24, August 6 and 19, September 6 and 11, October 2 and 24, November 7 and 15, and December 19, 2013, and February 10 and 19, 2014; (4) the defendant failed to appear for intensive outpatient substance abuse counseling on December 6, 8, 13, 15, 20, 22, 27 and 29, 2012; January 3, 5, 10, 12, 17, 19, 24, 26, November 21 and 26, and December 3, 2013; (5) the defendant failed to attend individual substance abuse counseling sessions as directed in the months of August, September, October and

November, 2013, the defendant having been directed to attend two individual substance abuse counseling sessions per month; and (6) the defendant failed to abide by the special condition that she participate in the residential treatment program at the Mid-Ohio Valley Fellowship Home in Parkersburg, West Virginia, for a period of 12 to 18 months inasmuch as she entered the program on April 17, 2014, and was terminated after she tested positive for opiates and was discovered using a bottle of urine to evade a urine screen; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

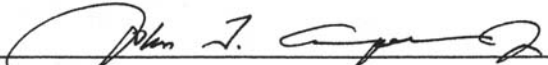
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth

in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of FOUR (4) MONTHS, to be followed by a term of thirty-two (32) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that she spend a period of six (6) months in a community confinement center and follow the rules and regulations of the facility and the probation officer, as well as participate in drug abuse counseling and treatment, including group and individual sessions, as directed by the probation officer. Once released from community confinement, the defendant shall continue to participate in drug abuse counseling and treatment as directed by the probation officer.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 22, 2014



John T. Copenhaver, Jr.
United States District Judge